

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:92cr34-4

UNITED STATES OF AMERICA,)

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vs.

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ALVIN TRUESDALE.

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ORDER

THIS MATTER is before the Court on the Notice of Appellate Case Opening [Doc. 26] received from the United States Fourth Circuit Court of Appeals.

The Defendant has filed in the Fourth Circuit a Petition for a Writ of Mandamus. [Doc. 26-1]. In that Petition, the Defendant states that this Court has refused to file the following pleadings: (1) Objection to Supplement to the Presentence Report pursuant to Crack Cocaine Guideline Amendment; (2) Defendant Alvin B. Truesdale Motion for an Evidentiary Hearing Forthwith; (3) Defendant's Notice of Eligibility regarding Crack Cocaine Offense pursuant to 18 USC §3582 and Objection/Response to Dkt. #7; (4) Memorandum of Points and Authorities in Support of Alvin B. Truesdale's Notice of Eligibility

regarding Crack Cocaine Offense pursuant to 18 USC §3582; and (5) Arrangement of the Exhibits Attached. [Doc. 26-1, at 10-16]. In the Petition, the Defendant attached only the first pages of the purported documents. [Id.]. The Defendant also attached certificates of service in which he states that he served copies of the first four of these documents on the undersigned and various other government employees. [Doc. 26-1, at 18-20]. He does not state that he served a copy of the documents on the Clerk of Court for the United States District Court for the Western District of North Carolina.

On September 7, 2010, this Court denied six *pro se* filings made by the Defendant during the months of June through August, 2010. [Doc. 16]. The Defendant filed a Notice of Appeal and Petition for a Writ of Mandamus. [Doc. 17].

In addition to the filings which were the subject of the Order entered on September 7, 2010, the Defendant sent a package to the chambers of the undersigned with a request that the Court review and consider the documents contained therein. The package was received on August 30, 2010 but was returned to the Defendant on that same date with a letter instructing him to file the documents in the record of the case if he desired review.

On September 2, 2010, the Defendant wrote to the Clerk of Court asking why the documents which were returned had not been filed. The letter,

however, was not accompanied by the documents.

The Court notes that the documents contained within the Petition for a Writ of Mandamus encompass only the first page of the documents which the Defendant claims were never filed. The certificates of service do not contain a certification that the Defendant mailed the documents to the Clerk of Court, and the record does not reflect that Defendant ever sent these documents to the Clerk of this Court for filing.

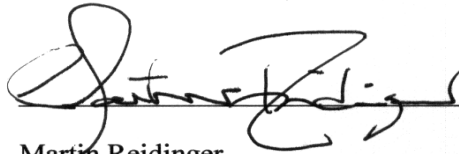
As previously instructed, if the Defendant desires for the Court to consider his motions are other pleadings, he must file the complete documents in the record of the case with the Clerk of this Court. The Court will therefore provide explicit instruction to the Defendant to that effect.

IT IS, THEREFORE, ORDERED that if the Defendant desires judicial review of the following documents: (1) Objection to Supplement to the Presentence Report pursuant to Crack Cocaine Guideline Amendment; (2) Defendant Alvin B. Truesdale Motion for an Evidentiary Hearing Forthwith; (3) Defendant's Notice of Eligibility regarding Crack Cocaine Offense pursuant to 18 USC §3582 and Objection/Response to Dkt. #7; (4) Memorandum of Points and Authorities in Support of Alvin B. Truesdale's Notice of Eligibility regarding Crack Cocaine Offense pursuant to 18 USC §3582; and (5) Arrangement of the Exhibits Attached, he must file the complete documents

in the record of this case with the Clerk of Court for the United States District Court for the Western District of North Carolina, United States Courthouse, 401 West Trade Street, Charlotte, North Carolina 28202.

IT IS FURTHER ORDERED that the Clerk of Court shall provide notice of this Order to the United States Fourth Circuit Court of Appeals, Case Manager Cathy Poulsen.

Signed: October 20, 2010


Martin Reidinger
United States District Judge

